

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
September 11, 2013 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on September 11, 2013 at 7:30 PM. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting pursuant to the annual meeting notice as published in the January 17, 2013 issue of the Hunterdon County Democrat, a copy of the agenda for this meeting was forwarded to the Hunterdon County Democrat, filed in the Township Clerk's Office and posted on the bulletin board on September 5, 2013."

Present: Roger DeLay
Fred Gardner
Rob Gilbert
Gail Glashoff
Don Reilly, Chairman
Dart Sageser
David Wang-Iverson
Linda Lenox – Alt. #1
Gail Skupien – Alt. #2
Attorney Chris Norman
Planner Slagle

Excused: Joe Wolfgang

Citizens' Privilege to Speak on Items not on the Agenda

It was noted for the record that there were no members of the public present at the meeting at this time.

Review of Minutes

A motion by Gail Glashoff, seconded by Roger DeLay to approve the Board's 8/14/13 minutes with no revisions noted was approved with Ms. Lenox abstaining. Chairman Reilly noted that while the minutes are accurate, he needed to clarify that he had misspoken when he indicated at last month's meeting that he had not heard from the Sourland Alliance. He stated that Tracy Carluccio, the Township Representative for the Sourland Alliance had provided an email with comments that were taken into consideration with respect to the re-exam.

New Business – Other

Public Hearing – Adoption of the Master Plan Re-examination Report

Chairman Reilly asked Planner Slagle to provide an overview, notating the highlights of the report. Planner Slagle explained that the Re-examination Report is a requirement of the MLUL. She indicated that recent changes require the report to be done every 10 years. It was noted that East Amwell Township's last re-exam was done in 2003.

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Planner Slagle noted the 5 main criteria for a Re-examination report:

1. Identification of major problems and objectives relating to land development in the municipality
2. Establishing the extent to which such problems or objectives have been reduced or have increased
3. Identifying any significant changes to policies
4. Notating any specific recommendations for the Master Plan or development regulations
5. Recommendations concerning redevelopment plans adopted pursuant to housing law

Planner Slagle commented that the first 4 criteria are relevant to East Amwell, but the fifth item is not because the Township has not identified any redevelopment areas under the redevelopment/housing law.

The following items were identified as issues in the 2003 Master Plan Re-exam:

1. Threats to water resources and the ecosystem in the Sourlands
2. Minor subdivision activity in the AVAD which can fragment the agricultural landscape frontage
3. Increased traffic on State Highway 31 and other State/County roadways
4. Water quality in Ringoes due to private well and septic on each lot
5. The potential for development in all zones to destroy the view shed along road frontage

The following items were identified as changes since the adoption of the 2003 Master Plan Re-exam:

1. The Sourland Mountain District Ordinance (2003) – increased the minimum lot area to 15 acres for a single family dwelling and to 30 acres for farms and secondary living units. Additionally, permitted uses in the district were amended to allow low impact uses; conditional uses were identified as those that require increased water and wastewater demands and clearing; maximum lot coverage and floor area became limited on a sliding scale to ensure new development and redevelopment is consistent with the overall parcel size and does not impact the ecosystem or create fragmentation of the forest canopy and disturbance of soils. It was also noted that design standards were created to minimize forest clearing and fragmentation.
2. Resource Conservation Ordinance (2009) – aligned the goals of protecting environmental resources while still allowing for appropriate levels of new development. The ordinance provides a net lot area calculation to determine the maximum permitted yield of development after areas of critical environmental resources have been removed from the gross tract area.
3. Tree Harvesting Ordinance (2012) – was amended to align the original Tree Harvesting Ordinance with the amended Sourland Mountain District to provide additional definition and clarity. It was noted that the intent of the ordinance is to ensure that tree removal in the Township is properly planned and executed, minimizes adverse environmental impacts, protects water quality and quantity and protects forest habitat.
4. Solar or Photovoltaic Energy Facilities Ordinance (2009) – was adopted and amended through 2010 in order to accommodate the State legislation while also assuring not to undermine the Township's agricultural resources or character. The ordinance regulates solar installations throughout the Township, the long-term planning initiatives focus on the continued use and viability of agricultural in the Amwell Valley zone.

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The following items were identified as changes at the County level since 2003:

1. Hunterdon County Growth Management Plan (2007)
2. Hunterdon County Farmland Preservation Plan
3. Sourland Mountain Regional Planning – in 2010 the Sourland Planning Alliance adopted a Comprehensive Management Plan which outlines the following goals:
 - a. Expand and regenerate forests, protect wetlands, wildlife habitats and scenic vistas
 - b. Maintain the rural character of the communities
 - c. Identify environmentally sensitive areas and protect them from development
 - d. Protect, defend and manage the region's water resources
 - e. Develop model environmental ordinances
 - f. Build awareness of the biodiversity of the Sourlands as a "living classroom"
 - g. Identify and preserve scenic corridors, byways and vistas
 - h. Identify and preserve historic resources
 - i. Establish unified road widths, speed limits and clearing and brush removal standards
 - j. Strengthen the commitment to "dark skies"
 - k. Establish a consensus on how undersized lots are treated regarding water resources
 - l. Create a NJ State park in the Sourlands strictly for passive recreation

The following items were identified as changes at the State level since 2003:

1. State Strategic Plan: New Jersey's State Development & Redevelopment Plan – seeks to achieve better inter-agency coordination and outlined the following goals: Targeted economic growth, effective planning for vibrant regions, preservation of state resources and tactical alignment of government.
2. Municipal Land Use Law – implemented a green plan element, a time of application rule, and renewable energy standards for wind and solar facilities. There was a change in Master Plan re-examination requirements from every 6 years to every 10 years.

The following "other" legislative actions were highlighted:

1. The Conversion Bill regarding age restrictive developments
2. The 3 year suspension of the 2.5% non-residential development fee from 7/1/11 – 7/1/13
3. The establishment of criteria for renewable energy facilities on preserved farmland
4. The development of proposed agricultural management practices (AMP)
5. The development of wastewater management plans
6. The Permit Extension Act which extended development application approvals through 12/31/14
7. The development of stormwater management regulations

Planner Slagle noted the following recommendations to further the Township's planning goals and objectives:

1. Continued review of the design standards for the Amwell Valley Agricultural District
2. Continued review and analysis of the water resources and sensitive ecosystem in the Sourland Mountain District
3. Possible creation of a historic preservation ordinance aimed at preserving as many historic resources as possible
4. Continued review of the renewable energy ordinance in order to keep a balance between the development of energy systems and the Township's planning goals

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5. Updating the Township's circulation plan element due to an increase in traffic since the last study done in 2003
6. Specific ordinance revisions to include: A definition for corner lots, additional details for fire protection systems for major developments, correct any conflicting language regarding the Right-to-Farm throughout the Township's ordinances and revisions to the application checklist for subdivisions and site plans

A motion by Rob Gilbert, seconded by Gail Glashoff to open to the public for comments on the Master Plan Re-examination Report was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and commented that the plan is a good one but remarked there has been a signal within the Township where the zoning regulations are being used to bully residents and to restrict property owners. She stated, "There is a danger and an ability to use and abuse the Master Plan and the zoning in neighbor disputes." She remarked there is confusion over what is considered a pet vs. a farm animal and indicated a few years ago there was a dramatic example of this on Cider Mill Road. Ms. Gavigan stated that she supports the zoning and recognizes the importance of the need for a balance between the environment and the property owner and what to do when there are conflicts. She stated, "But at all times we are an agricultural community." Ms. Gavigan continued saying the trail network and the local farms are an attractive element for preservation and the quality of life and also help property values. She asked that a point of clarification should be to differentiate what a farm is vs. what an agricultural operation is. She commented that this can become a critical issue in the transition areas and especially in the Sourland Mountain.

Chairman Reilly expressed understanding for Ms. Gavigan's concerns and remarked that he believes some of the issues she raised are perhaps more specific to definitions within the Township's ordinances and re-directed the discussion back to the Master Plan Re-examination Report.

Ms. Gavigan then commented on the traffic in the Township. She stated she has spoken with the new County Director of Roads and Bridges about speed limits on certain roads within the Township. She stated, "It used to be that we were told that we couldn't lower the speed limits on County roads because that was controlled by the State. That changed a few years ago. The County now has the ability to lower the speed limits." Ms. Gavigan remarked that the County is willing to provide 4 ton weight limit signs in order to curtail certain traffic on certain roads. Chairman Reilly suggested Ms. Gavigan address her traffic concerns to the Township Committee. Ms. Gavigan indicated she had already done this but wasn't aware of any follow up on the matter.

Lastly, Ms. Gavigan asked if there is any coordination with neighboring municipalities regarding zoning along common roadways. Chairman Reilly indicated that coordinating zoning is difficult due to changes in landscape and topography and stated that the Planning Board typically sees copies of any changes to ordinances by surrounding municipalities. He remarked that he believes the Sourland Alliance is the single largest attempt to coordinate activities among the 5 represented Townships.

A motion by Rob Gilbert, seconded by David Wang-Iverson to close to the public was unanimously approved.

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Mr. Gardner commented that the point Ms. Gavigan made about farms is valid and suggested that at some point in the future the Planning Board may want to consider differentiating between a commercial farm operation and a homeowner simply having a horse in their backyard.

A motion by Rob Gilbert, seconded by Roger DeLay to adopt the 2013 Master Re-examination Report was unanimously approved by roll call vote.

Roll Call Vote: Rob Gilbert: Yes, Roger DeLay: Yes, Fred Gardner: Yes, Gail Glashoff: Yes, Don Reilly: Yes, Dart Sageser: Yes, David Wang-Iverson: Yes, Linda Lenox: Yes

It was noted that Attorney Norman was excused from the meeting at this time, 8:10 PM.

Oral Reports

FOSPC – Mr. Gardner commented that Jay Watson from D&R Greenway attended the last FOSPC meeting to discuss preservation projects within the Township including a 10 acre lot on South Hill Road and an assemblage on Ridge Road.

Agricultural Advisory Committee – Ms. Glashoff commented that there was no Ag Advisory meeting.

Environmental Commission – Mr. Sageser commented that the County 4-H Fair last month was a success.

PB Secretary – No report was given.

Chairman – Chairman Reilly asked Planner Slagle how the Planning Board can address farms and farm animals on properties throughout the Township.

Planner Slagle clarified that the ordinance currently has a definition for agricultural uses which are typically commercial and for farms which is anything over 5 acres. She noted there is a list of criteria for farms and indicated that if a property meets the definition of a farm or agricultural use there are additional right-to-farm provisions included in the ordinance such as secondary dwellings for farm labor.

Planner Slagle remarked that when you are talking about smaller lots with animals such as chickens there is a gray area as to what is acceptable and allowed on smaller lots for residents who just want to have a few egg laying hens. She noted when these types of ordinances are drafted they are not essentially farm ordinances, but rather ordinances that outline provisions for small lots with animals and the criteria for maintaining certain standards on the property. She cautioned some of these types of ordinances can become issues. Mr. DeLay commented that he believes the issues with these types of ordinances is not so much with the types of animals on the properties but rather with the waste management from the animals.

Chairman Reilly remarked that the Planning Board cannot solve individual issues on properties and needs to remain focused on policy issues. Mr. DeLay commented that he believes the Township is getting increasingly more urban with more people moving in who may not have the rural background that many long time residents have and he stated these are the people who may be more likely to have issues with such farming activities.

Chairman Reilly commented that he believes there seems to be a tendency for people to want to do things on smaller lots that traditionally have been done on larger lots and this may be tied to people whose background may not historically be farming but more of a hobby. Mr. Sageser commented that there are 2 acre lots that are ample in size for a horse and remarked that there are other properties that are 2 acres with outbuildings and various improvements like swimming pools that would not be sufficient in size for horses.

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Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and indicated the State of NJ has definitions of farms including commercial farms and she stated NJ Fish and Wildlife as of 7/24/13 defines a farm as, "...an area of at least 5 acres having a gross farm income of at least \$500..." She added that she forward information to the FOSPC Administrator regarding available USDA Grants that are being issued to do things on preserved lands.

A motion by Fred Gardner, seconded by Linda Lenox to close to the public was unanimously approved by voice vote.

Presentation of Vouchers

A motion by Gail Glashoff, seconded by Rob Gilbert to approve the vouchers for payment as listed on the agenda was unanimously approved by voice vote.

Adjournment

Chairman Reilly adjourned the meeting at this time, 8:33 PM.

Maria Andrews, Planning Board Administrator

Note: These minutes have not been formally approved and are subject to change at the Board's 10/9/13 meeting.